GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Registration and Stamps – Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta - Registered certain documents exempting Stamp duty and Registration Fee causing Revenue loss to State Exchequer to a tune of Rs.69,46,125/- - Initiation of Departmental Proceedings – Articles of Charges - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.581 Dated:26-07-2022
Read:-

G.O.Ms.No.548, Revenue (Vig.II) Department, Dated:26-07-2022.

***

ORDER:

In continuation of the orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 in the G.O. read above, it is proposed to hold an enquiry against Sri D.Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta in accordance with the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I). A statement of imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta is directed to submit his written statement of his defence, within ten days of the receipt of this Order.

4. Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta (Enclosed Annexures I to IV) through the Deputy Inspector General, Registration & Stamps, Vijayawada. (with a request to serve the order on the individual and send the served copy with dated signature to Government).
The Deputy Inspector General, Registration & Stamps, Vijayawada.
Copy to:
The Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada, Krishna District.
SF / SC

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLES OF CHARGE FRAMED AGAINST SRI D. SRINIVASA RAO, SENIOR ASSISTANT, SUB REGISTRAR OFFICE, VISSANNAPETA

CHARGE I:

That Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram has failed to scrutinize the documents in respect of 28 (Twenty Eight) Documents whether they are covered by rule 8 (1) & (7) as per the provisions laid down in G.O.Ms.No.190, MA & UD (M2) Department, Dated. 27.08.2015 which caused allowing exemption of duties with the wrong interpretation of the provisions of the G.O since the documents in question are not covered by the said Rule and there by evidencing his negligence in discharging his official duties. He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

CHARGE II:

That Sri D.Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram committed grave misconduct by allowing the exemptions of duties while registering certain documents through which the properties notified under Land Pooling Scheme were involved duly showing the provisions of the G.O. Ms. No. 190, MA & UD (M2) Department, Dated. 27.08.2015 though it was not communicated by the Revenue (Regn) Department for giving exemption under Section 9 of I.S. Act, 1899 which shows his dereliction in discharging his duties, misconduct and the malafied intention. He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

CHARGE III:

That Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram committed grave misconduct while registering certain documents has failed to collect the duties applicable in respect of 28 (Twenty Eight) Documents by exempting the parties from paying the duties showing the provisions laid down in G.O.Ms.No.190 MA & UD (M2) Department Dated. 27.08.2015 which is not at all applicable for exemption of duties and resulted Revenue Loss to a tune of Rs.69,46,125/- Rupees Sixty Nine Lakhs Forty Six Thousand One Hundred and Twenty Five only [towards Deficit Stamp Duty of Rs. 60,19,975/- and Registration Fee of Rs. 9,26,150] since the documents in question are not covered by Rule 8 (1) & (7) and the same are third party transactions not between the land owner and the Airport Development Authority which shows and evidencing his negligence in discharging his official duties. He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE - II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLES OF CHARGE FRAMED AGAINST SRI D. SRINIVASA RAO, SENIOR ASSISTANT, SUB REGISTRAR OFFICE, VISSANNAPETA

CHARGE I:

That Sri D.Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram has failed to scrutinize the documents in respect of 28 (Twenty Eight) Documents whether they are covered by rule 8 (1) & (7) as per the provisions laid down in G.O. Ms. No. 190 MA & UD (M2) Department Dated 27.08.2015 which caused allowing exemption of duties with the wrong interpretation of the provisions of the G.O since the documents in question are not covered by the said Rule and there by evidencing his negligence in discharging his official duties. He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

Sri D. Srinivasa Rao while working as I/c Sub Registrar Gannavaram failed to scrutinize the document pertaining to their classification, application of duties and whether they are covered by rule 8(1) & (7) as mentioned in the G.O. Ms. No. 190 MA & UD (M2) Department Dated. 27.08.2015. Actually, the documents in question are not covered by the Rule 8 (1) & (7), But Sri D. Srinivasa Rao deliberately considering the recitals duly showing the provisions of the said G.O allowing exemptions to the parties is quiet irregular and thereby evidences his negligence in discharging his official duties.

CHARGE II:

That Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram committed grave misconduct by allowing the exemptions of duties while registering certain documents through which the properties notified under Land Pooling Scheme were involved duly showing the provisions of the G.O. Ms. No. 190 MA & UD (M2) Department Dated. 27.08.2015 though it was not communicated by the Revenue (Regn) Department for giving exemption under Section 9 of I.S. Act, 1899 which shows his dereliction in discharging his duties, misconduct and the malafied intention.

He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

Sri D. Srinivasa Rao registered the documents in which the properties were effected were already notified in land pooling scheme. The transactions are not between the land owners as per Land Pooling Scheme and they are purely third party transactions. Though the transactions are third party transactions as such the above G.O is not at all applicable for allowing exemptions. Moreover, the said G.O was not all communicated by the Revenue (Regn) Department for giving exemption. But Sri D. Srinivasa Rao have allowed exemption of duties to the parties which is not proper and there by contravened the provisions.

CHARGE III:

That Sri D. Srinivasa Rao, Senior Assistant, Sub Registrar Office, Vissannapeta while working as I/c Sub Registrar, Sub Registrar Office Gannavaram committed grave misconduct while registering certain documents has failed to collect the duties applicable in respect of 28 (Twenty Eight) Documents by exempting the parties from paying the duties showing the provisions laid down in G.O. Ms. No. 190 MA & UD (M2) Department Dated. 27.08.2015 which is not at all applicable for exemption of duties and resulted Revenue Loss to a tune of Rs. 69,46,125/- Rupees Sixty Nine Lakhs Forty Six Thousand One Hundred and Twenty

Contd.,2

Five only [towards Deficit Stamp Duty of Rs. 60,19,975/- and Registration Fee of Rs. 9,26,150] since the documents in question are not covered by Rule 8 (1) & (7) and the same are third party transactions not between the land owner and the Airport Development Authority which shows and evidencing his negligence in discharging his official duties. He has acted in a manner which is unbecoming of the Government Servant and he has exhibited lack of integrity, devotion to duty and thereby contravened the Rule 3 of Andhra Pradesh Civil Services Conduct Rules, 1964.

Sri D.Srinvasa Rao had registered 28 (Twenty Eighty) Documents by exempting the parties from paying the duties showing the provisions laid down in G.O. Ms. No. 190 MA & UD (M2) Department Dated. 27.08.2015 which is not at all applicable for exemption of duties and resulted Revenue Loss to a tune of Rs. 69,46,125/- Rupees Sixty Nine Lakhs Forty Six Thousand One Hundred and Twenty Five only [towards Deficit Stamp Duty of Rs. 60,19,975/- and Registration Fee of Rs. 9,26,150] since the documents in question are not covered by Rule 8 (1) & (7) and the same are third party transactions and not between the land owner and the Airport Development Authority with wrong interpretation of applicability of the above G.O which leads to huge loss to State Exchequer.

The District Registrar, Vijayawada (East) in his letter dated. 25.05.2019 has informed that Government had issued G.O.Ms.No. 190 MA & UD (M2) Department Dated. 27.08.2015 relating to the Gannavaram Airport Expansion Land Pooling Scheme and in the said G.O Rule (1) states that ***".....the Land Pooling mechanism is mainly adopted wherein land parcels owned by individuals or group of owners are*** *legally consolidated by transfer of ownership rights to the A.P Capital Region Development Authority .....".*

In the said rules, Rule 8(7) narrates that ***"..... Registration of Form-3 claims supported by Form-7 orders shall be done by Registrar suo-moto and such registration shall be exempted from Stamp Duty and Registration Fee ...".*** *Further, as per Rule 11(3) of the said GO* ***".... The Competent Authority of Amaravathi Capital City Area shall issue a Land Pooling ownership Certificate (LPOC) In Form 9.24 of Capital City Land Pooling scheme {Formulation and Implementation} Rules 2015, which shall be' the final proof of the holder's title to that land and thereafter cause entry of such ownership details into the records of the registration department without any cost to the land owner..."***

It is further informed that during the course of Performance Audit conducted by the AG Audit team, they raised objection on the exemption of Stamp Duty and Registration Fee for the documenta audited by them (13 documents) for Rs. 94,12,426/ stating that the said exemption was not mentioned in the G.O.Ms.No.190 MA & UD (M2) Department Dated. 27.08.2015, since the transactions are third party transactions and not between Government and Land owners.

Moreover, there was neither mention of exemption of the Duties in the above G.O nor notified exemption U/s 9 of Indian Stamp Act, 1899 and section 78 of Registration Act, 1908 respectively by the Government for the documents between the original land owner who is willing to become a partner under the Land Pooling Scheme and the subsequent purchaser.

Thus the Government servant is liable for disciplinary action for major penalty.

Hence the charges.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE - III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGE FRAMED AGAINST SRI D. SRINIVASA RAO, SENIOR ASSISTANT, SUB REGISTRAR OFFICE, VISSANNAPETA ARE PROPOSED TO BE SUSTAINED.

1. G.O.Ms.No.190, MA & UD (M2) Department, Dated 27.08.2015.
2. Letter No.G1/2284/2018, Dated 25.05.2019 of the District Registrar, Vijayawada (East)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGE FRAMED AGAINST SRI D. SRINIVASA RAO, SENIOR ASSISTANT, SUB REGISTRAR OFFICE, VISSANNAPETA ARE PROPOSED TO BE SUSTAINED.

1. District Registrar, Vijayawada (East)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER